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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,793	11/26/2003	Jung S. Moon	0807.68722	7220

7590 10/16/2006

GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

EXAMINER

SIMONE, TIMOTHY F

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,793

Applicant(s)

MOON ET AL.

Examiner

Timothy F. Simone

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka, et al. (JP 04023976 A) in view of Gerhardt, et al. (US 6,053,093). Hatanaka, et al. discloses a roaster for roasting coffee beans (Fig. 1) including a roasting chamber (14) having a top and a bottom, a cover (15) seated on the top of the roasting chamber, a base (e.g., the structure containing parts 2 and 3) on which the bottom of the roasting chamber (13) is seated, a fan (3) provided in the base for supplying hot airflow into the roasting chamber for heating coffee beans, at least one air opening (7) formed on the bottom for enabling the airflow to enter the roasting chamber, and a wind tunnel (13) provided over the at least one air opening and having an inlet and an outlet for increasing the speed of the airflow in the roasting chamber as the airflow passes through the wind tunnel. The patent to Gerhardt, et al. discloses that it is well known in the art to have a deflector (32) for deflecting coffee beans in a coffee roaster. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the coffee roaster of Hatanaka, et al. with a deflector in the manner suggested by Gerhardt, et al. in order to deflect coffee beans carried by the airflow passing through the wind tunnel, if desired. The specific location

of the deflector being nothing more than a matter of design choice, since it appears that the invention would perform equally well.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka, et al. (JP 04023976 A) in view of Helman, et al. (US 6,460,451). Regarding claim 15, Hatanaka, et al. discloses a roaster for roasting coffee beans including a roasting chamber (14), a fan (3) for supplying heated airflow into the roasting chamber, a cover (15) seated on top of the roasting chamber, at least one opening (e.g., at the uppermost end) provided on the cover and capable of allowing smoke from the roasting chamber to exit therefrom, and structure (16) capable of functioning as a smoke vent attachment removably mounted on the cover for receiving smoke exiting through the at least one opening on the cover, the vent attachment being configured and adapted to be removably connected to an elongated vent pipe for channeling the smoke away from the roaster (e.g., a cylindrical pipe having an inner diameter that is the same as the outer diameter of part 16). The patent to Helman, et al. has been further cited to teach a structure capable of functioning as a smoke vent attachment (178) removably mounted on a cover (20) which could receive smoke exiting through an opening on the cover wherein the vent attachment (178) being configured and adapted to be removably connected to an elongated vent pipe (i.e. 186). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the roaster of Hatanaka, et al. with vent structure in the manner suggested by Helman, et al. in order to channel smoke from the roaster, if desired. Further, it would have been an obvious matter of design choice to have a plurality of feet for engaging corresponding

plurality of mounting holes formed on the cover and the specific smoke vent attachment as set forth in the claims, since applicant has not disclosed that such a design choice solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well.

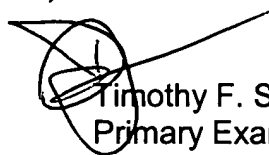
Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 521-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Timothy F. Simone
Primary Examiner
Art Unit 1761